REMARKS

I. Status of Claims

Claims 1-16 are pending. Claims 1 and 10 are independent.

II. Rejections under 35 U.S.C. §103(a) as being unpatentable over LUZ et al. (US 6,321,073 B1) in view LEE (US 2003/0068991 A1)

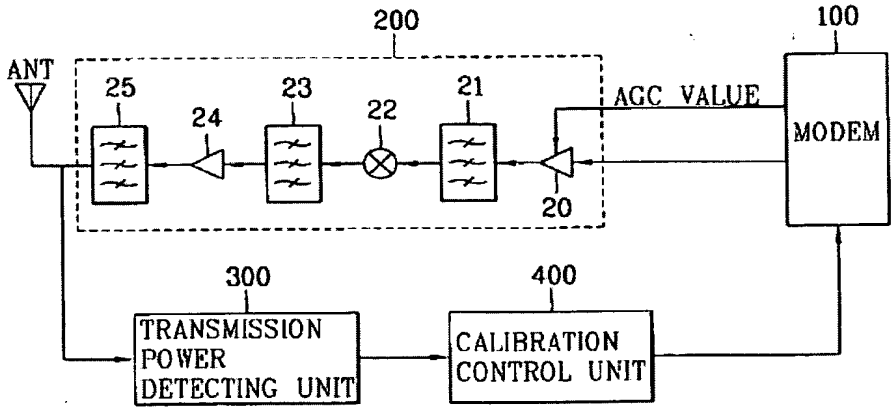
The Examiner has rejected claims 1-16 under 35 U.S.C. §103(a) as being unpatentable over LUZ et al. (US 6,321,073 B1), hereafter referred to as LUZ, in view of LEE (US 2003/0068991 A1). Applicants respectfully request reconsideration of the rejections because the Examiner has failed to establish a *prima facie* case of obviousness for the rejections. A *prima facie* case of obviousness requires that the prior art reference (or references when combined) teaches or suggests all of the claim limitations. Applicants respectfully argue that LUZ and LEE, neither alone nor in combination, neither explicitly nor implicitly, discloses, teaches, suggests or render obvious all of the limitations of the claims. In particular, starting with independent claim 1, the claim recites:

> An apparatus for compensating the gain of an automatic gain controller (AGC) in a receiver including the AGC for controlling the gain of received packet data in a mobile communication system where packet data is discontinuously transmitted, comprising:
>
> a compensation controller for receiving an AGC value from the AGC, sampling the AGC value by a predetermined sample number for a predetermined period, and obtaining an AGC compensation gain by calculating the difference between a sampled AGC value with a reference gain for the predetermined period; and
>
> a compensator for compensating the AGC value with the AGC compensation gain, thereby correcting errors generated in view of the nature of the AGC (emphasis added).

Applicants thank Examiner for agreeing that LUZ fails to teach an AGC value being received from the AGC at the compensation controller. To make up for LUZ's deficiency, the Examiner cited drawing figure 5 and paragraphs 50-55 of LEE.

Applicants respectfully disagree with the Examiner that LEE teaches an AGC value being received from the AGC at the compensation controller. Specifically, Applicants argue that at the least, LEE fails to teach "a compensation controller for receiving an AGC value from the AGC."

The section of LEE cited by the Examiner describes a method according to LEE's teaching. However, nothing in figure 5 and paragraphs 50-55 of LEE teach or suggest receiving an AGC value from an AGC. The methodology discussed in the cited portion of LEE merely identifies that the Modem (100) calculates calibrated ADC values by adjusting ADC values using compensation values. The compensation values are obtained from *a signal that is being transmitted by the radiotelephone that has been compensated by the AGC.* Thus, the cited portion of LEE does not disclose receiving an AGC value from the AGC. This point is made clear when one considers the apparatus according to LEE's teaching illustrated in figure 2. Applicants' refer Examiner to LEE's drawing figure 2 that is reproduced below for the Examiner's convenience.



As is clearly illustrated in LEE's drawing figure 2, an AGC value is sent from modem (100) to AGC (200). Thus, at the least LEE teaches an AGC value being **sent to an AGC** instead of an AGC value being **sent from an AGC**. Accordingly, LEE ***cannot*** teach "a compensation controller for receiving an AGC value from the AGC."

Further, LEE doesn't teach anything beyond that which is taught by LUZ. Upon comparing LUZ with LEE, the transmission power detecting unit 300 and calibration control unit

400 in LEE corresponds to the DC offset compensation circuit 200 in LUZ, modem 100 in LEE corresponds to the AGC gain estimation circuit in LUZ, and the element 20 of the transmission end 200 in the LEE is corresponding to AGC circuit 106 in LUZ. Thus, LEE merely discloses a configuration for transmitting an AGC value or compensation value by a corresponding unit and fails to disclose that the AGC value is received from the AGC at the compensation controller.

By contrast, the Applicants' invention of claim 1 recites that the compensation controller receive an AGC value from the AGC. By way of example, consider the exemplary embodiment of the Applicants' invention depicted in Applicants' drawing figure 3 that is reproduced below for the Examiner's convenience.

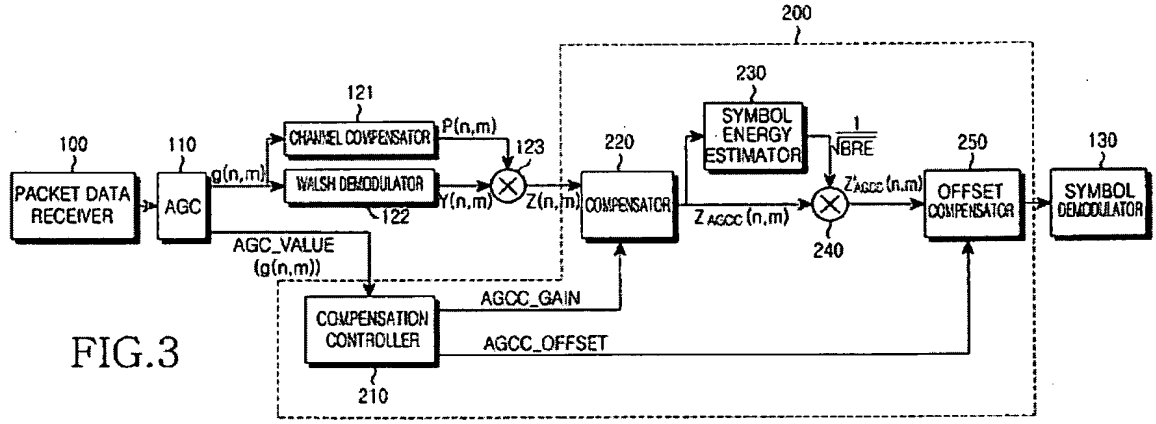


FIG.3

From the Applicants' drawing figure 3 it is clear that the compensation controller 210 receives *an AGC value*. By way of another example starting in line 30 of page 7 of the Applicants' specification, an AGC value is a value that "represents the power level of a distorted signal generated during the time required for stabilization." By way of a further example from line 2 of page 8 of the Applicants' specification, an AGC value "is the gain of one symbol in a slot." In other words, an AGC value is a value representing a power level or amount of gain from the AGC. A signal that was transmitted by the radiotelephone that has been compensated by an AGC is not a value representing a power level or amount of gain from the AGC. Instead, a signal that is being transmitted by the radiotelephone that has been compensated by the AGC is a transmitted communications signal that has been adjusted.

From the Applicants' drawing figure 3 it is clear that the compensation controller 210 receives *from the AGC 110*. A signal path of a transmitter comprising an AGC compensated signal to be transmitted is not the same as an AGC. In other words the origin of the signal

received by the compensation controller is the AGC in the Applicants' invention, whereas LEE teaches that the origin of the signal received by the compensation controller is a signal path of a transmitter comprising an AGC compensated transmission signal.

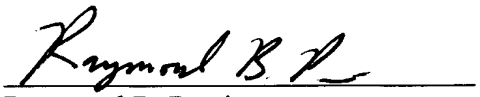
Therefore, at the least, LEE fails to render obvious "a compensation controller for receiving an AGC value from the AGC." LEE does not disclose a compensation controller that *receives an AGC value*, let alone an *AGC value from an AGC*. As such, LEE clearly cannot render obvious "a compensation controller for receiving an AGC value from the AGC," as recited in Applicants' claim 1. As such, claim 1 is allowable over LUZ and LEE for the reasons given above and withdrawal of the rejections are hereby requested. Claim 10 comprises similar subject matter to that of claim 1 and is therefore allowable for reasons similar to those given above. Dependent claims 2-9 and 11-16 are allowable for the reasons given above by virtue of their dependence on independent claims 1 and 10.

III. Conclusion

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Date: November 22, 2006



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